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The 'Liberal Bulldog' Takes on His Biggest Challenge

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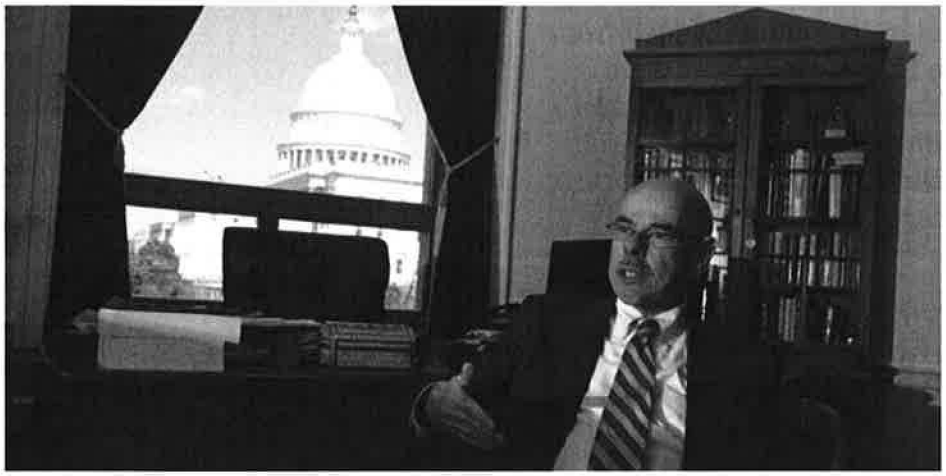

Rep. Henry Waxman in his Rayburn Building office. (Chet Susslin)

Rep. Henry Waxman, the California liberal who has spent decades battling the tobacco, coal, and pharmaceutical industries, is taking on what appears to be the most insurmountable challenge of his long career.

At age 73, and after 38 years in Washington, Waxman says that his driving concern—the priority that will define the rest of his career—is confronting global warming.

"To me, this is an issue more important than all the other things we're spending time on," he said. "It's more important than the budget, sequestration, the debt ceiling—10 years, maybe five years from now, people aren't going to say, 'What did we do on those issues?' They're going to say, 'What did Congress do on climate change?' "

In the partisan, gridlocked Congress where today's biggest stars are conservative firebrands, Waxman is an anomaly. He is an unabashed liberal, an ardent environmentalist, and a progressive reformer who, in the era of the tea party, believes deeply in the role of government. He is reviled by his foes as a Left Coast partisan. And yet he's racked up a career as one of the most effective members of Congress, the walls of his office covered with framed copies of the many laws that he has authored, cosponsored, and patiently shepherded—or aggressively muscled—through passage.

Almost all came with Republican support. And some were signed by a Republican president.

"I have probably passed more legislation into law than any sitting member of the House," Waxman said, "with the possible exception of John Dingell." Dingell, the venerable Detroit Democrat, is Waxman's longtime rival and occasional ally.

At least one analyst says the self-assessment is accurate. "He has a unique record. He's racked up so many successes," said James Thurber, director of the Center for Congressional and Presidential Studies at American University. "It wasn't easy for him, because he was an outlier early. I was very hard to oppose Dingell and get things done, but he did."

In 2008, Waxman launched a successful bid to unseat Dingell from his throne as the chairman of the House Energy and Commerce Committee. For the next two years, Waxman used that position to ram two sweeping pieces of legislation through the House. One of them, President Obama's health care initiative, became a historic law. The other, a global-warming bill that would have fundamentally transformed the nation's energy industry, passed the House but died in the Senate.

In 2010, in part because of the partisan rancor those bills engendered, Republicans were able oust Democrats from control of the House, putting Waxman in the minority. It is perhaps the most powerless position in which he's found himself in decades. While members in the minority historically have been able to wield some influence on policy, that hasn't been the case in the current Congress, where House Democrats say they've largely been cut out of the legislative process. Indeed, Waxman says, it's been two years since he's even had a meeting with Rep. Fred Upton, R-Mich., the Energy and Commerce chairman. "We've never had a sit-down," Waxman said. "I haven't had a conversation with him about legislation in two years."

From that minority position, though, Waxman wants to take on the most ambitious, uphill, seemingly impossible legislative initiative of his career. In prioritizing climate change, Waxman is allied with Obama. But he's completely at odds with the current legislative reality: A climate-change bill has zero chance of passage in the GOP-controlled House. And there's very little chance even in the Democratic-controlled Senate, where vulnerable Democrats from coal and Rust Belt states have little appetite for taking up a bill that could raise constituents' energy costs.

Some who follow the issue closely say Waxman's early but failed push on climate change poisoned the well for future efforts. "He overreached when he lost the big battle over cap-and-trade, and probably set back the movement significantly—maybe for the rest of his career," said American University's Thurber.

But it would be a mistake to write Waxman off.

Just 5-foot-3, bald, mustached, and bespectacled, he is warm and friendly with staff and colleagues. Though he represents the glitzy Southern California cities of Beverly Hills and Santa Monica, he still comes across as the son of Russian Jewish immigrants who grew up over a store in the tough Los Angeles neighborhood of Watts. Yet he's also a shrewd political operator and a strategic backroom negotiator with a penchant for forging unexpected alliances and a willingness to play the long game. Many laws he helped marshal took 10 years or more from introduction to passage.

Waxman has also earned respect—and fear—as a reformer. As the former chairman of the House Oversight and Government Reform Committee, he launched aggressive probes into the tobacco and financial industries, as well as into the use of steroids in baseball, leading to reforms in each.

It was his ability to wear down witnesses—from cigarette company CEOs to former Federal Reserve Board Chairman Alan Greenspan—that earned him nicknames like "the liberal bulldog," and "the mustache of justice."

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"He may be short in his stature, but he can be 10 feet tall if you get in his way," said former Rep. Tom Davis, R-Va., who was Oversight's ranking member when he was chairman. Davis added, "We worked well together. We often disagreed, but when we got serious, we could put out a good product. He's tough; he has a crackerjack staff—very few people can deny the guy's a pro."

Of course, not everyone agrees with his approach. Rival Dingell says Waxman's partisanship impedes prospects for compromise with the other side. "Henry's liberalism and the Republicans' conservatism make for a bad mix, and the differences between them go a long way back in history," he said.

From the start of his political career, Waxman's opponents have learned not to underestimate him. In his first primary race for office in 1968, he faced incumbent Lester McMillan, a venerable California Assembly member. McMillan was heavily favored to win against his 28-year-old challenger. But Waxman hired two friends—a computer-science major and a sociology professor—who created a punch-card-run database of the district's ethnic and racial makeup. He then mailed voters customized campaign letters. The system, a forerunner of today's high-tech voter-outreach programs, helped Waxman garner 64 percent of the vote.

In 1978, just four years after he was elected to Congress, Waxman was eager to wield authority over health care policy, but a senior Democrat chaired the Energy and Commerce subcommittee that dealt with it. He quietly made a series of strategic campaign contributions to his colleagues, who then voted for him to chair the panel, ousting the incumbent.

After Obama's election in 2008, Waxman once again toppled a

venerable incumbent. The election of the new Democratic president whose top legislative priorities included reforming health care and taking on climate change meant that the chairman of the Energy and Commerce Committee, with jurisdiction over both issues, would wield influence over two of the most sweeping and ambitious legislative efforts in recent history.

Waxman believed the moment was ripe for him to be that leader, but Dingell, who had been the top Democrat on the panel since 1981, had no intention of stepping aside. Waxman deployed the same strategy he had used in 1978 to become chairman of the Health Subcommittee: Before making his bid for the gavel, he made hefty campaign contributions to his fellow committee members. He campaigned for the votes of younger members, telling them that he, not Dingell, had the progressive zeal necessary to push through the new president's agenda. Waxman also secured the implicit backing of then-House Speaker Nancy Pelosi, a fellow California liberal.

It worked. In a showdown billed as "Godzilla versus King Kong," Waxman persuaded a majority of his colleagues to vote for him over the mighty Dingell, and he took over the committee's gavel, at least until Republicans won back control of the House in 2010.

Often, however, Waxman's victories took far longer. One of his proudest legislative achievements was amending the Clean Air Act in 1990 to drastically cut pollution from vehicles, factories, and power plants. Waxman began working on the bill soon after President Reagan took office in 1981 and sought to weaken the existing Clean Air Act.

Waxman and his fellow environmental advocates pushed back. "At first, we were just trying to protect the existing law—that's it," he said. But over the course of the next decade, through marathon negotiations, he began crafting a series of amendments to aggressively strengthen the law. In so doing, he was working against the interests of the Reagan administration—and of his colleague, Dingell. But Waxman prevailed. After nearly a decade, he and Dingell struck a deal, and instead of just preserving the Clean Air Act, the bill made it far more stringent. President George H. W. Bush signed it into law.

Waxman sees that decade-long battle as a model for tackling climate change. Many saw the failure of the climate bill that passed the House in 2009 but perished in the Senate in 2010 as a death knell for the effort. Waxman saw simply an opening volley.

Even with no chance of success in the next two years, Waxman, working with Sen. Sheldon Whitehouse, D-R.I., has started a bicameral climate task force of a few dozen Democratic lawmakers who give speeches about climate change on the House and Senate floors every day Congress is in session. "You get people talking about it, you keep the issue alive, you educate the American public," Waxman said.

He has also introduced a bill to enact a tax on carbon pollution, a

policy economists generally agree is the most effective way to cut emissions. Decried as an "energy tax" by Republicans, its chances are almost zero.

Still, Waxman continues to play the long game. He points out that as long as Washington is looking for deficit solutions, Congress will need to find some source of revenue. "Where are they going to find the money to lower other taxes? Where are they going to find the money to lower the deficit? This is a source of that money. In that context, they'll go for it."

It seems hard to imagine a scenario in which Republicans—or many Democrats—would endorse a policy that would amount to an energy tax. But, as always, Waxman is willing to wait.

"It took us a decade to get AIDS legislation. It took us 15 years to get tobacco regulations," he said. "Sometimes when you play the long game, you get a stronger result. You put everything in place, you do the work, and you wait for the right moment to arrive."